

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

Rico Mendoza)	
)	
<i>Plaintiff,</i>)	
)	14-cv-1008
<i>-vs-</i>)	
)	
Cook County Sheriff's Police Officer)	<i>(Judge St. Eve)</i>
Joseph Bennett, #10345 and Cook)	
County Sheriff's Police Officer Mentz,)	
#10550,)	
)	
<i>Defendants.</i>)	

SECOND AMENDED COMPLAINT

Plaintiff, by counsel, alleges as follows:

1. This is a civil action arising under 42 U.S.C. §1983. The jurisdiction of this Court is conferred by 28 U.S.C. §1343.
2. Plaintiff Rico Mendoza is a resident of the Northern District of Illinois.
3. Defendants are Cook County Sheriff's Police Officers Joseph Bennett, #10345, and Mentz, #10550; plaintiff sues each defendant in his individual capacity.
4. Defendants arrested plaintiff on or about July 2, 2012 and documented the arrest in case number 12-535498,

5. After depriving plaintiff of his freedom of movement, and without lawful justification, defendants punched and kicked plaintiff about his face, back, ribs, and legs, causing plaintiff to incur serious personal injuries.

6. The amount of force used by defendants when they punched and kicked plaintiff about his face, back, ribs, and legs was not reasonably necessary under the circumstances and was unreasonable from the perspective of a reasonable officer facing the same circumstances faced by defendants.

7. As a result of the foregoing, plaintiff was deprived of rights secured by the Fourth and Fourteenth Amendments to the Constitution of the United States.

8. Plaintiff hereby demands trial by jury.

Wherefore plaintiff requests that judgment be entered against defendants for appropriate compensatory and punitive damages in an amount in excess of seventy-five thousand dollars.

/s/ Kenneth N. Flaxman
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CERTIFICATE OF SERVICE

I hereby certify that on the 15th day of July, 2014 I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system which will send notification of such filing to the following: Helen C. Gibbons, ASA, 50 W Washington Street, Ste 500, Chicago, IL 60602 and I hereby certify that I have mailed by United States Postal Service the document to the following non CM/ECF participants: none.

/s/ Kenneth N. Flaxman
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